

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

Misc No. 3:12mc 16

FILED
CHARLOTTE, NC
JAN 18 2012
U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

IN RE: DEMONSTRATIONS)
PARADES OR)
SOLICITATIONS)
)

ORDER

THIS MATTER is before the Court on its own motion. It is the experience of the Court that from time to time citizens desire to demonstrate, parade or otherwise solicit in the vicinity of the United States Courthouses in the Western District of North Carolina, and that it is reasonable to expect that such will take place in the future.

The Court recognizes the right of persons to peacefully protest and the rights of persons to assemble and petition their government. Such protest, however, cannot be allowed to prevent the administration of justice of the Federal Courts. Nor can the Court permit any interference with or intimidation of persons entering or exiting from the Courthouses.

Accordingly, any protests which occur in the vicinity of the United States Courthouses in Charlotte, Asheville, Statesville, Bryson City or Wilkesboro,

North Carolina shall be confined to the public sidewalks and shall not be held on "the physical grounds of the Courthouse(s)", as that area is herein defined. No person or group of persons shall parade, picket, walk, stand or otherwise be on the physical grounds of the Courthouse(s) while displaying signs, banners, placards or literature of any form or type nor carry on oral demonstrations or solicitations of any kind for any purpose on Courthouse property.

If the United States Marshal or his deputy shall determine that such a demonstration or other act prohibited above, even though not actually on the physical grounds of the Courthouse(s), is proposed to take place or gathers on a sidewalk located immediately adjacent to a Federal Courthouse or begins to occur in such manner as to jeopardize security, endanger any federal building, property or the occupants thereof, or interfere with ingress or egress from any such United States Courthouse, the Marshal may rope off such area and direct that such demonstration or act be held in a safer location near the Courthouse.

Nothing herein shall be deemed to affect the operation or enforcement of any local ordinance not in conflict herewith pertaining to parade permits and the like. Violators may be subject to punishment in accord with the contempt powers of the United States District Court for the Western District of North

Carolina.

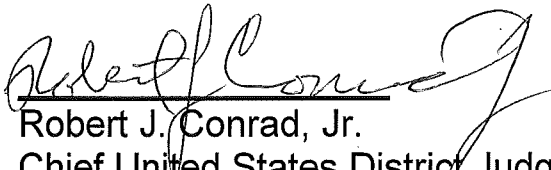
The term "the physical grounds of the Courthouse(s)" as that term is used herein shall mean the entire premises of each of the Courthouse buildings including the interior thereof and the exterior from the external wall of each such building to the border between the Courthouse property and the public sidewalk. It shall also include any federal property that is adjacent to such Federal Courthouse or is shared in common in any manner by the Federal Courthouse and any other facility of the United States, including the parking areas therefor. As the purpose of this Order is to prevent the interference with the business of this Court, and there being days on which no personnel of this Court are present at the Courthouse in Bryson City, the public parking lot at the Bryson City Courthouse, as that term is further defined below, shall not be deemed to be part of "the physical grounds of the Courthouse(s)" on days when no such Court personnel are present. The public parking lot at the Bryson City Courthouse is hereby defined to be that parking lot that is situated on the corner of Spring Street (a/k/a Veterans Boulevard) and Main Street. The other two parking lots at the Bryson City Courthouse, namely the lot on the corner of Spring Street and Academy Street and the lot between the back of the Courthouse and Academy Street are and shall at all times be part of "the physical grounds of the

Courthouse(s)" whether or not Court personnel are present.

This Order replaces and supersedes the Order of this Court dated February 28, 2003, 3:03mc27.

The Clerk shall provide the United States Marshal with a copy of this Order.

SO ORDERED on behalf of the entire Court, this the 18th day of January 2012.


Robert J. Conrad, Jr.
Chief United States District Judge

s/Richard L. Voorhees
Richard L. Voorhees
United States District Judge

s/Frank D. Whitney
Frank D. Whitney
United States District Judge

s/Martin Reidinger
Martin Reidinger
United States District Judge

s/Max O. Cogburn, Jr.
Max. O. Cogburn, Jr.
United States District Judge

s/Graham C. Mullen
Graham C. Mullen
Senior United States District Judge